

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 23, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-234

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 2/24/11
Time: 10:25 AM
Received by: [Signature]

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 40-31 (COR) "AN ACT TO AMEND SECTION 2 OF PUBLIC LAW 30-233, RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENT FROM THE DEFINED BENEFIT RETIREMENT PLAN", which was signed into law on February 22, 2011 as Public Law 31-01.

Senseramente,

[Signature]
RAY TENORIO
I Magallahan Guåhan para pa'go
Acting Governor of Guam

2011 FEB 24 AM 10:44
FAM

Attachment: copy of Bill

234

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session**

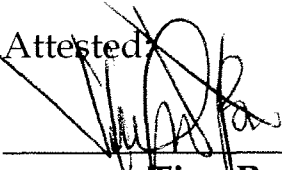
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 40-31 (COR), "AN ACT TO AMEND SECTION 2 OF PUBLIC LAW 30-233, RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENT FROM THE DEFINED BENEFIT RETIREMENT PLAN,"** was on the 21st day of February, 2011, duly and regularly passed.



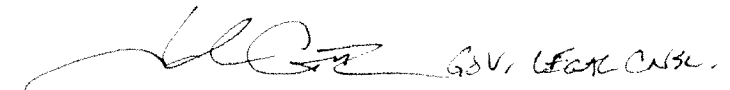
**Judith T. Won Pat, Ed.D.
Speaker**

Attested:



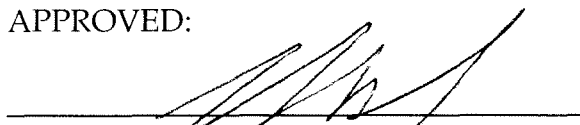
**Tina Rose Muña Barnes
Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 21st day of FEBRUARY, 2011, at 7:20 o'clock P.M.



**Assistant Staff Officer
Maga'laha's Office**

APPROVED:



**EDWARD J.B. CALVO
*I Maga'lahaen Guåhan***

Date: **FEB 22 2011**

Public Law No. 31-01

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 40-31 (COR)

As amended by the Committee on Rules,
and further amended.

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SECTION 2 OF PUBLIC LAW 30-233, RELATIVE TO THE SUSPENSION OF ANNUITY PAYMENT FROM THE DEFINED BENEFIT RETIREMENT PLAN.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the language of Public Law 30-233 is inadequate to its stated purpose. As the
4 draft of the Bill changed to correct its deficiencies, a technical omission occurred
5 which completely negates the intent of the legislation.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to correct the technical
2 omission to fulfill the intent of the legislation. The corrected language will permit
3 the re-employment of Government of Guam retirees and permit them to continue
4 to receive the annuity to which they are entitled.

5 **Section 2.** Section 2 of Public Law 30-233 is hereby *amended* to read:

6 “**Section 2.** Subsection (a) of §8121 of Chapter 8, Title 4, Guam
7 Code Annotated is *amended* to read:

8 (a) A retired member who subsequently becomes an employee
9 eligible for membership under §8106 of this Title *prior* to January 1, 1999,
10 shall, upon becoming so employed, have that member’s right to receive
11 payment of that member’s annuity suspended for the duration of that
12 member’s employment, but all other rights pertaining to that member’s
13 annuity provided by this Article, including automatic increases therein, shall
14 be retained by that member. The provisions of this Section *shall not* be
15 applicable to any retired Judge or Justice designated and assigned by the
16 Chief Justice to perform judicial duties in the courts of Guam as provided for
17 in §6115 of Title 7 GCA, or any person employed by the Department of
18 Education in Guam schools, as a substitute teacher or as a Certified
19 Augmentation Teaching Service (CATS) employee as that term is defined
20 by Title 17 GCA § 3127(b). Such employment *shall* be subject to the
21 provisions of Subsection (d) of this Section.

22 The provisions of this Section *shall not* be applicable to any certified,
23 registered or licensed health care professional, or ancillary service personnel,
24 employed by the Guam Memorial Hospital Authority, the Department of
25 Mental Health and Substance Abuse, the Department of Public Health and
26 Social Services, academic faculty positions at the University of Guam and
27 the Guam Community College, or a limited term police officer employed by

1 the Guam Police Department to include Police Officers I, II, III and Sergeant
2 I & II, performing duties such as patrol officers, narcotic officers, criminal
3 investigators and school resource officers; provided, that such person(s)
4 occupies such positions for which no other qualified/certified applicants was
5 available, and that such employment shall be on a fiscal year basis; subject
6 to the provisions of Subsection (d) of this Section.

7 The provisions of this Section *shall not* be applicable to employee(s)
8 of the Office of the Governor, employee(s) of the Office of the Lieutenant
9 Governor, unclassified employee(s) appointed by the Governor of Guam,
10 and heads of autonomous agencies appointed by a governing board. An
11 employee of the Governor or Lieutenant Governor's office or unclassified
12 employee appointed by the Governor of Guam and heads of autonomous
13 agencies appointed by a governing board who has previously retired *shall*
14 become a member of the Defined Contribution Retirement System.”

15 **Section 3.** Public Law 30-233, as amended by this act, *shall* be effective
16 retroactively to January 3, 2011.



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
 CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
 MUNICIPAL AFFAIRS,
 HOUSING AND
 RECREATION

February 21, 2011

COMMITTEE ON
 TAXATION,
 APPROPRIATIONS, PUBLIC
 DEBT, BANKING,
 INSURANCE, RETIREMENT
 AND LAND

To: Honorable Rory Respicio
 Chairperson, Committee on Rules

RE: Waiver of Public Hearing Request on Bill 40-31 (COR) as
 amended by the Committee on Rules on February 18, 2011

COMMISSIONER

GUAM COMMISSION ON
 DECOLONIZATION

After careful evaluation for a request to waive the requirements for a
 public hearing on Bill No. 40-31 (COR)

GUAM FIRST
 COMMISSION

**Bill No. Bill No. 40-31(COR) – An act to amend Section 2 of Public
 Law 30-233, relative to the suspension of annuity payment from the
 defined benefit retirement plan.**

VICE PRESIDENT

ASSOCIATION OF
 PACIFIC ISLAND
 LEGISLATURES
 (APIL)

I certify that Bill No. 40-31 (COR) meets a condition set forth in 2
 GCA §2103(a), and that the requirements for a public hearing on Bill
 No. 40-31(COR).

BOARD MEMBER

PACIFIC RESOURCES FOR
 EDUCATION
 AND LEARNING
 (PREL)

Senseramente,

**LEGISLATIVE
 REPRESENTATIVE**

Judith T. Won Pat, Ed.D.
 Speaker

PACIFIC ISLAND
 DEVELOPMENT BANK
 (PIDB)

FESTIVAL OF THE
 PACIFIC ARTS
 (FESTPAC)

cc: Clerk of the Legislature

RECEIVED
 2-21-11

Handwritten signature